

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN M. HUBER,	:	
Petitioner,	:	Case No. 3:08cv00244
vs.	:	District Judge Walter Herbert Rice
		Magistrate Judge Sharon L. Ovington
WARDEN, Lebanon Correctional	:	
Institution,	:	
Respondent.	:	

DECISION AND ENTRY


The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #17), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on May 13, 2011 (Doc. #17) is **ADOPTED** in full;
2. John M. Huber's Petition for Writ of Habeas Corpus (Doc. #1) is **DENIED** and **DISMISSED**;
3. Petitioner is **DENIED** leave to appeal in forma pauperis under 28 U.S.C. §1915(a)(3), and Petitioner is **DENIED** any requested certificate of

appealability under 28 U.S.C. §2253(c); and

4. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge